

APPEAL NO. 021887
FILED SEPTEMBER 5, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on June 25, 2002. The hearing officer determined that the appellant (claimant) sustained a compensable injury on _____, and that the claimant had disability, as defined in Section 401.011(16), on _____ and _____, but not thereafter. The hearing officer's determination of the compensable injury has not been appealed and has become final pursuant to Section 410.169.

The claimant appeals the disability determination on a sufficiency of the evidence basis, emphasizing her testimony at the CCH, communication problems, and contending that her testimony was more credible than the respondent's (carrier) witness. The file does not contain a response from the carrier.

DECISION

Affirmed.

The hearing officer's determination that the claimant sustained a compensable injury on _____, in a slip-and-fall incident is unappealed. The claimant testified that she injured her right leg, right ankle, and low back. The claimant was about four months pregnant at the time. The claimant was terminated on November 30, 2001, effective December 3, 2001, for unrelated reasons.

The testimony on hours worked and how much time from work the claimant missed was in dispute. The hearing officer left the record open until 5:00 P.M. on June 26, 2002, to allow both parties to submit documents showing what hours and days the claimant worked before and after the claimed injury. Both parties did so and the hearing officer commented that after the claimant's injury "she did her preinjury job for the same hourly rate of pay and for somewhat more hours than she worked prior to the injury. Medical opinion to the effect Claimant was disabled any time after _____ was not credible." The claimant first saw a chiropractor for her injury on February 4, 2002, and delivered her baby on April 28, 2002.

We have reviewed the complained-of determination and conclude that the disability issue involved a fact question for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We perceive no error in the hearing officer's decision based on a communication problem or language barrier. We hold that the hearing officer's determination on the appealed issue is not so against the great weight and preponderance of the evidence as to be clearly wrong and manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **LIBERTY INSURANCE CORPORATION** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEMS
350 NORTH ST. PAUL, SUITE 2900
DALLAS, TEXAS 75201.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Robert W. Potts
Appeals Judge